

DANIEL G. BOGDEN
United States Attorney
District of Nevada
SUSAN CUSHMAN
Assistant United States Attorney
333 Las Vegas Boulevard South
Suite 5000
Las Vegas, Nevada 89101
702-388-6336

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	Case No.: 2:12 CR 236-JAD-GWF
Plaintiff,)	
)	
vs.)	United States' Motion to Strike Defendant's
)	Sentencing Memorandum as Untimely Filed
VINAY BARARIA,)	or Alternatively to Continue the Sentencing
)	Hearing
)	
Defendant.)	

Plaintiff United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and SUSAN CUSHMAN, Assistant United States Attorney, hereby files its Motion to Strike Defendant's Sentencing Memorandum as Untimely Filed or Alternatively to Continue the Sentencing Hearing which is scheduled for Thursday, April 10, 2014, at 9:00 a.m.. The United States' motion is timely filed.

Local Rule (LCR) 32-1(d) states that "[a] sentencing memorandum addressing any unresolved objections to the presentence report or other sentencing issues shall be filed by either party ... not later than 5 days before the sentencing hearing." On April 7, 2014, Defendant filed a 29 page sentencing memorandum with 364 pages of exhibits. Defendant's memorandum should have been filed no later than Thursday, April 3, 2014. According to LCR 32-1(d) the United States' response is due three court days prior to the date set for sentencing which would

1 have been April 7, 2014, - the same day defendant filed his sentencing memorandum.
2 Accordingly, the United States' moves to strike the defendant's sentencing memorandum for
3 being untimely filed.

4 Alternatively, undersigned counsel requests a continuance consistent with the time
5 contemplated by LCR 32-1(d) in order to respond in writing to the defendant's memorandum.

6 Dated this the 8th day of April, 2014.

7 Respectfully Submitted,

8 DANIEL G. BOGDEN
United States Attorney

9 /s/ Susan Cushman

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SUSAN CUSHMAN
11 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I, SUSAN CUSHMAN, do hereby certify that on April 8, 2014 a copy of the attached UNITED STATES' MOTION TO STRIKE DEFENDANT'S SENTENCING MEMORANDUM AS UNTIMELY FILED OR ALTERNATIVELY TO CONTINUE THE SENTENCING HEARING was sent by electronic mail to the person hereinafter named, at the place and address stated below, which is the last known address:

Addressee: Kathleen Bliss, Esq.
Counsel for defendant BARARIA

/s/ Susan Cushman

SUSAN CUSHMAN